

YAVAPAI COUNTY ATTORNEY'S OFFICE
JOSEPH C. BUTNER SBN 005229
DEPUTY COUNTY ATTORNEY
255 East Gurley Street
Prescott, AZ 86301
Telephone: 928-771-3344
ycao@co.yavapai.az.us

2010 JAN -4 PM 6:07
FILED
S Smisko

DEPUTY CLERK

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

STATE'S RESPONSE TO DEFENDANT'S
MOTION *IN LIMINE* RE HUANTE AND
BROWN RECONSTRUCTION

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby submits its Response to Defendant's Motion *in Limine* re Huante and Brown Reconstruction and requests that Defendant's Motion be denied.

Arizona law requires that in order to be admissible at trial, reenactment and replication experiments must be produced under sufficiently similar circumstances to the underlying event. *State v. Polan*, 78 Ariz. 253, 258, 278 P.2d 432, 436 (1954); *Bledsoe v. Salt River Valley Water Users' Ass'n*, 179 Ariz. 469, 471, 880 P.2d 689, 691 (App. 1994).

Here, Defendant claims that the reenactment of the bike ride on Granite Mountain was not sufficiently similar to that Defendant claimed he had taken on July 2, 2008. What Defendant fails to acknowledge is that on July 15, 2008, Renee Girard (Girard), Defendant's girlfriend, personally met with Sergeant Huante and Deputy Brown on Granite Basin Road and

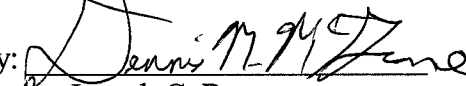
Office of the Yavapai County Attorney
255 E. Gurley Street, Suite 300
Prescott, AZ 86301
Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 directed them to the Cayuse trailhead. Girard stated Defendant had brought her to this
2 trailhead and hiked the trail with her to demonstrate to her exactly where he had been riding the
3 night of Carol's murder. Four days later, on July 19, 2008, Sergeant Huante recreated the
4 bicycle ride using a mountain bike on the trail Defendant told Girard he was on. The event was
5 recorded. (YCSO Evidence Item #28) As the reenactment was conducted on the same trail
6 Defendant told Girard he was on, Defendant's Motion to Preclude should be denied.
7

8 RESPECTFULLY SUBMITTED this 4th day of January, 2010.

10 Sheila Sullivan Polk
YAVAPAI COUNTY ATTORNEY

12 By:

13 
14 Joseph C. Butner
Deputy County Attorney

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

Office of the Yavapai County Attorney
255 E. Gurley Street, Suite 300
Prescott, AZ 86301
Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 COPIES of the foregoing delivered this
2 4th day of January, 2010 to:

3 Honorable Thomas J. Lindberg
4 Division 6
5 Yavapai County Superior Court
6 (via email)

7 John Sears
8 107 North Cortez Street, Suite 104
9 Prescott, AZ 86301
10 Attorney for Defendant
11 (via email)

12 Larry Hammond
13 Anne Chapman
14 Osborn Maledon, P.A.
15 2929 North Central Ave, 21st Floor
16 Phoenix, AZ
17 Attorney for Defendant
18 (via email)

19 By: Deb Couell
20
21
22
23
24
25
26